REMARKS/ARGUMENTS

Claims 1-48 are pending in the application. Claims 1, 17, and 33 have been amended to correct antecedent basis. Reconsideration is respectfully requested. Applicants submit that the pending claims 1-48 are patentable over the art of record and allowance is respectfully requested of claims 1-48.

In paragraph 2, the Office Action indicates that the cross reference related to the application cited in the specification must be updated. Applicants have amended the specification to provide Application Numbers.

In paragraphs 4 and 5, the Office Action rejects claims 1-48 of the current application (hereinafter the '143 application) under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of copending application No. 09/918,144 (hereinafter the '144 application) in view of U.S. Patent No. 5,644,768 to Periwal et al. (hereinafter the Periwal patent). Applicants are submitting a Terminal Disclaimer to overcome the rejection.

In paragraph 7, the Office Action rejects claims 1-48 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,987,422 to Buzsaki in view of U.S. Patent No. 5,644,786 to Periwal et al. Applicants traverse.

Claim 1 is directed to performing workflow related operations. An application programming interface call (API) to perform a workflow related operation is received. At least one stored procedure call associated with the received API is determined. The determined at least one stored procedure call is called to cause the execution of one determined stored procedure on a database server to perform the workflow related operation of the API.

The Office Action cites the Buzsaki patent at Col. 5, lines 21-30 and submits that "invoking a client application" teaches receiving an API call to perform a workflow related operation. Applicants traverse. The client application is invoked to log on to the database server and not to perform a workflow related operation. In the Buzsaki patent, execution of a workflow is initiated when the requestor submits input to the client application program identifying a

workflow. Therefore, merely invoking a client application does not teach or suggest that an API call to perform a workflow related operation is received. Also, a requestor submitting input to the client application program does not teach or suggest receiving an API call to perform a workflow related operation. Moreover, the Buzaki patent does not mention use of APIs. Therefore, there is no need for API calls in the Buzaki patent, and the Buzaki patent teaches away from receiving an API call to perform a workflow related operation.

Also, the Office Action submits that "program code stored" (Col. 5, lines 26-30) teaches calling the determined at least one stored procedure to cause the execution of one determined stored procedure on a database server to perform the workflow related operation of the API. Applicants traverse. The cited portion of the Buzaki patent describes that program code stored in a database is executed *in response to* the client login process receiving requests form the client application program. This teaches away from calling the determined at least one stored procedure to cause the execution of one determined stored procedure on a database server to perform the workflow related operation of the API in response to receiving the API.

The Office Action submits that the Buzaki patent does not explicitly describe determining at least one stored procedure call associated with the received API and that the Periwal patent teaches this. The Office Action submits that it would have been obvious to one of ordinary skill in the art to combine the teaching of Periwal and Buzsaki because the teaching of Periwal provides a means of determining or selecting the appropriate stored procedure to use for a given call. Because the Buzaki patent does not mention use of API calls or stored procedures, the Buzaki patent has no need for determining an appropriate stored procedure to use for a given call. Thus, there is no motivation to combine the Buzaki and Periwal patents.

The law is well settled that a reference will not support a rejection based upon obviousness where the proposed modification to the reference contravenes the principle of operation of the device of the reference:

> If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims prima facie obvious. In re Ratti , 270 F.2d 810, 123 USPQ 349 (CCPA 1959)

The Examiner appears to be impermissibly modifying the Buzaki reference to include both API calls and stored procedures.

Moreover, at Col. 10, lines 62-67 and Col. 11, lines 1-6, the Periwal patent describes that when an API call is received for executing *a particular stored procedure* and if the stored procedure shared data structure is already found, the stored procedure is executed. On the other hand, the claimed subject matter indicates that at least one stored procedure call is associated with the API. Therefore, by teaching that the API call specifies a particular, single stored procedure, the Periwal patent teaches away from Applicants' claimed invention.

In addition, the Periwal patent does not cure the defects of the Buzaki patent. In particular, the Periwal patent does not teach or suggest receiving an API call to perform a workflow related operation or calling the determined at least one stored procedure to cause the execution of one determined stored procedure on a database server to perform the workflow related operation of the API. Thus, even if the Buzaki patent and Periwal patent are combined, the combination does not teach or suggest the subject matter of claim 1.

Therefore, claim 1 is not taught or suggested by the Buzaki patent or the Periwal patent, either alone or in combination. Claims 8, 17, 24, 33, and 40 are not taught or suggested by the Buzaki patent or the Periwal patent, either alone or in combination, for at least the same reasons as were discussed with respect to claim 1.

Dependent claims 2-7, 9-16, 18-23, 25-32, 34-39, and 41-48 incorporate the language of independent claims 8, 17, 24, 33, and 40 and add additional novel elements. Therefore, dependent claims 2-7, 9-16, 18-23, 25-32, 34-39, and 41-48 are not taught or suggested by the Buzaki patent or the Periwal patent, either alone or in combination, for at least the same reasons as were discussed with respect to claims 8, 17, 24, 33, and 40.

Conclusion

For all the above reasons, Applicants submit that the pending claims 1-48 are patentable over the art of record. Applicants have not added any claims. Nonetheless, should any additional fees be required, please charge Deposit Account No. 09-0460.

The attorney of record invites the Examiner to contact her at (310) 553-7973 if the Examiner believes such contact would advance the prosecution of the case.

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